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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,996	11/19/2003	Paul J. Wanish	POU920030162US1	7602
46429	7590	11/30/2006	EXAMINER	
CANTOR COLBURN LLP-IBM POUGHKEEPSIE 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			TRUONG, THANHNGA B	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	Application No. 10/716,996	Applicant(s) WANISH ET AL.	
	Examiner Thanhnga B. Truong	Art Unit 2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


 AU2135

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/19/03</u> | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) <input type="checkbox"/> Notice of Informal Patent Application
6) <input type="checkbox"/> Other: _____ |
|--|--|

DETAILED ACTION

1. This action is responsive to the communication filed on November 19, 2003. Claims 1-8 are pending. At this time, claims 1-8 are rejected.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-5, 7-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Wenisch et al (US 7,100,054 B2).

a. *Referring to claim 1:*

i. Wenisch teaches a method for transmitting data through a computer network, the computer network including a first computer and a second computer both having a message sequence number stored therein (column 1, line 45 through column 2, line 10 of Wenisch), the method comprising:

(1) transmitting a message containing a message identifier, an encrypted message sequence number, and encrypted data from the first computer to the second computer (**column 1, lines 45-67; column 4, line 62 through column 5, line 32**);

(2) decrypting the encrypted message sequence number to authenticate the identity of the sending party who transmitted the message (**column 3, lines 58-63 and column 5, lines 7-18 of Wenisch**); and,

(3) when the identity of the sending party is authenticated, the second computer initiating transmission of the message sequence

number and the encrypted data to a third computer (**column 5, lines 19-32 of Wenisch**).

b. Referring to claim 3:

i. Wenisch further teaches:

(1) the message sequence number is initialized as a randomly generated number in one of the first and second computers (**column 4, lines 44-48 of Wenisch**).

c. Referring to claim 4:

i. Wenisch further teaches:

(1) the step of decrypting the first encrypted data in the third computer using the message sequence number (**column 3, lines 58-63 of Wenisch**).

d. Referring to claim 5:

i. Wenisch teaches a computer network (column 2, lines 62-66 of Wenisch), comprising:

(1) a first computer operably communicating with a second computer, both the first and second computers having a predetermined message sequence number stored therein (**column 2, lines 62-66 and column 3, lines 34-41 of Wenisch**);

(2) a third computer operably communicating with the second computer (**column 2, lines 62-66 of Wenisch**);

(3) the first computer configured to transmit a message containing a message identifier, an encrypted message sequence number, and encrypted data to the second computer, the second computer configured to decrypt the encrypted message sequence number to authenticate the identity of the sending party who transmitted the message, the second computer further configured to transmit the sequence number and the encrypted data to the third computer after the identity of the sending party is authenticated by the second computer (**column 2, lines 62-67 through column 3, lines 1-64 of Wenisch**).

e. Referring to claim 7:

i. Wenisch further teaches:

(1) wherein the message sequence number is initialized as a randomly generated number in one of the first and second computers (**column 4, lines 44-48 of Wenisch**).

f. Referring to claim 8:

i. Wenisch further teaches:

(1) wherein the third computer is further configured to decrypt the encrypted data using the message sequence number (**column 3, lines 58-63 of Wenisch**).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wenisch et al (US 7,100,054 B2), and further in view of Marino et al (US 6,026,165).

a. Referring to claim 2 and 6:

i. Wenisch teaches the sequence number in column 1, lines 53-55. However Wenisch is silent on the capability of incrementing the sequence number. On the other hand, Marino teaches:

(1) wherein the message sequence number is incremented in both the first computer and the second computer for each subsequent message transmitted from the first computer to the second computer (**see Figure 2 and more details in column 7, lines 32-50 of Marino**).

ii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the invention of Wenisch with the teaching of Marino in order to enhance the system security (**column 1, line 9 of Marino**).

iii. The ordinary skilled person would have been motivated to:

(1) have modified the invention of Wenisch with the teaching of Marino to improvements in encryption methodologies used in a wireless data communications system suitable for use in a wireless security system (**column 3, lines 24-26 of Marino**).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Sendrow (US 4,317,957) discloses a method for efficiently protecting transactions and providing authentication of users and devices in on-line systems that transfer funds electronically, dispense cash, or provide a good or permit a service to be utilized is provided (see abstract).

b. King (US 6,317,831 B1) discloses an improved techniques for facilitating secure data transfer over one-way data channels or narrowband channels (see abstract).

c. Atalla (US 5,960,086) discloses secure transmission of a message is achieved by using a one-time encryption key derived at the receiver and the sender from information present at both the sender and the receiver, but wherein the information from which the encryption key is derived is not transmitted between the sender and the receiver (see abstract).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanhnga (Tanya) Truong whose telephone number is 571-272-3858.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2135

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

TBT

November 22, 2006

Chandra B. Dm
AU 2135